

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3293

IN THE MATTER OF:

Served February 23, 1989

Application of AUTOMATED BUSINESS)
SYSTEMS AND SERVICES, INC., for)
Temporary Authority)

Case No. AP-89-08

By application filed February 21, 1989, 1/ Automated Business Systems and Services, Inc. (ABSS), seeks temporary authority to transport employees of the United States Department of Health and Human Services (DHHS), Public Health Service (PHS) together with mail, express, and baggage in the same vehicle with passengers, in charter operations pursuant to contract with American Information Systems, Inc. (AIS), between (1) the Aerospace Building, 901 D Street, S.W., Washington, DC; Switzer Building, 330 C Street, S.W., Washington, DC; Humphrey's Building, 200 Independence Avenue, S.W., Washington, DC; and Cohen Building, 330 Independence Avenue, S.W., Washington, DC, (the Switzer Building, Humphrey's Building, and Cohen Building are collectively referred to as the Southwest Complex) and (2) between the Aerospace Building and the Parklawn Building, 5600 Fisher's Lane, Rockville, MD.

The contract period extends from June 22, 1988, to June 21, 1989, with four options to renew for one year. By its terms the contract precludes provision of shuttle service by ABSS prior to its obtaining authority from this Commission. The contract requires applicant to provide shuttle service between the Aerospace Building and the Southwest Complex on a schedule to be determined by Family Support Administration, a division of PHS. Shuttle service between the Parklawn Building and the Aerospace Building must be provided under the contract once a day, Monday through Friday excluding holidays.

The service will be provided using one 1986 vehicle and a backup vehicle each seating six passengers (including the driver). ABSS's vice president certifies that the company is familiar with the terms of the Compact and the Commission's rules, regulations, and requirements and will comply therewith and that ABSS has neither been found unfit nor is under any fitness investigation by any regulatory agency.

1/ ABSS had originally filed an application to operate pursuant to Special Certificate of Public Convenience and Necessity No. 1. However, the underlying contract had less than 180 days to run. Thus, the application was not amenable to processing under Commission Regulation No. 70. By motion filed February 21, 1989, ABSS requested that the application be treated as a request for temporary authority.

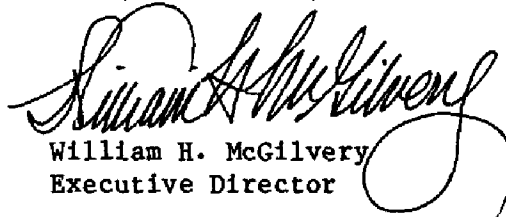
ABSS's balance sheet dated December 31, 1988, indicates current assets of \$11,904,179, fixed assets after allowance for depreciation of \$950,594, and other assets of \$576,580. Current liabilities of \$10,939,305, no long-term liabilities, and equity of \$2,492,048 are shown. For the first contract period ABSS projects revenues of \$92,211 and expenses of \$83,828, resulting in net profit of \$8,383 for an operating ratio of 10.

Ms. Janet H. Miller, contracting officer for PHS, submitted a notarized letter in support of the application stating that PHS has contracted with American Information Systems, Inc., for the provision of, inter alia, passenger shuttle service between the Aerospace Building and the Southwest Complex. Between five and seven round-trips per day, each originating at the Aerospace Building, will be required. In addition, shuttle service to the Parklawn Building will be required once a day. It is anticipated that six employees of the Family Support Administration will use the shuttle daily. The shuttle was not needed in the past because those employees located in the Aerospace Building had been housed in the Southwest Complex prior to July 1988. Ms. Miller's office has investigated "applicant's" 2/ qualifications and based on performance in other aspects of the contract, is satisfied that AIS, through its subcontractor ABSS, has the ability properly to perform this service.

The standards for temporary authority are set forth in the Compact, Title II, Article XII, Section 4(d)(3). The essential elements are (1) an immediate and urgent need for service, (2) no carrier capable of meeting such need, and (3) fitness of the applicant. This order will provide notice of this application, and a brief period will be established for the filing of protests, if any. No extension of time will be granted.

THEREFORE, IT IS ORDERED that any person desiring to protest this application shall file a notarized protest in conformance with Commission Rule No. 14 at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Monday, March 6, 1989, and shall simultaneously serve a copy of such protest on Anthony J. Stromeyer, Automated Business Systems and Services, Inc., 6715 Kenilworth Avenue, P.O. Box 838, Riverdale, MD 20737.

FOR THE COMMISSION:


William H. McGilvery
Executive Director

2/ It is unclear from the application whether "applicant" refers to AIS, ABSS, or AIS together with ABSS.